

REMARKS

1. In response to the Office Action mailed October 1, 2008, Applicants respectfully request reconsideration. Claims 1-10 and 12-15 were last presented for examination. In the outstanding Office Action, claims 1-3, 5-10 and 12-15 were rejected. By the foregoing Amendments, claim 1 has been amended to further define the invention, and is supported by at least the originally filed specification on page 29, lines 17-26 and FIGS. 1, 2, 3, 4a and 4b. No claims have been added and no claims have been cancelled. No new matter has been added. Upon entry of this paper, claims 1-10 and 12-15 will be pending in this application. Of these fourteen claims, 1 claim (claim 1) is independent.

Art of Record

2. Applicants acknowledge receipt of form PTO-892 listing additional references identified by the Examiner.

Claim Rejections under §103

3. Claims 1-3, 5-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. H2020 H to Kesavan (hereinafter, "Kesavan") in view of U.S. Patent No. 5,491,915 to Robinson, *et al.* (hereinafter, "Robinson").

4. Without addressing the propriety of the suggested combination of Kesavan and Robinson, Applicants assert that the references, alone or in combination with one another or other art of record, does not teach or suggest Applicants' invention as claimed, as amended above.

5. Specially, Applicants' claimed invention, as amended above, recites in part, "said at least one pair of front contact zones further comprise ***a holder beak collar comprising an end face perpendicular with respect to the line of symmetry and configured to extend around the distal end of said holder beak between said radial projections***, and further wherein said at least one pair of rear contact zones further comprise ***a radial recess collar opposite said holder beak collar and comprising an end face perpendicular with respect to the line of symmetry and configured to extend around the proximal end of said replacement part between said radial recesses***." (See, Applicants' independent claim 1, amended above; emphasis added.) The cited

references, alone or in combination with one another or other art of record, does not teach or suggest Applicants' claimed invention as highlighted above and amended herein.

6. Kesavan is directed to a tip and adapter assembly for an earthworking bucket having a replaceable tip mounted on an anchor. (*See*, Kesavan, Abstract.) As described in Kesavan, a cutting edge 12 is fitted with an adapter 14. The adapter 14 has a mounting portion 22 which is fitted onto the cutting edge, and a mounting nose 24 which is inserted into a bucket tip 16. (*See*, Kesavan, col. 3, ll. 9-13.) The mounting nose 24 of the adapter 14 has a top surface 26, a bottom surface 28 and a pair of side surfaces 30. Each side surfaces 30 is described as having "a centrally located ear 36 protruding therefrom, with each ear 36 having a rounded forwardly facing end 38." (*See*, Kesavan, col. 3, ll. 17-24.) The replaceable bucket tip 16 is said to have interior side walls 50, a top wall 52, and a bottom wall 54, as well as "generally U-shaped notch[es] 62... adapted to receive a respective one of the ears 36 of the adapter 14." (*See*, Kesavan, col. 3, ll. 34-40.) The "notches 62" are said to be "provided with length sufficient to weaken the tip so as to act as a fuse whereby before a vertical force [63]... engaging end portion 44 of the tip 16 that would be sufficient to cause the breaking of adapter 14 on which the tip 16 is mounted will result in the breakage of the tip 16 first." (*See*, Kesavan, col. 3, ll. 43-49.) Furthermore, the mounting nose 24 is said to have an abutting surface 68 which abuts a planar surface 66 inside the bucket tip 16. When a "predetermined amount of wear has occurred on the abutting end surface 68 of the adapter 14" peripheral surfaces on the ears 36 and notches 62 are said to "provide a visual indicator that the adapter 14 needs replacing due to excessive amount of wear on the abutting end surface 68." (*See*, Kesavan, col. 4, ll. 1-5.)

7. As described in Kesavan, and as is illustrated in at least FIGS. 1-3 of Kesavan, the device of Kesavan comprises "centrally located ear 36" but does not have "a holder beak collar... between said radial projections" as claimed by Applicants. Furthermore, Kesavan describes "generally U-shaped notch[es] 62" but fails to describe "a radial recess collar" between U-shaped notches 62 on its replaceable bucket tip 16. In fact, Kesavan states "longitudinally oriented forces on the tip 16 in a direction opposite to the direction of travel 13 are transmitted into the adapter 14 through the abutting planar end surfaces 66, 68 of the tip 16 and adapter 14." (*See*, Kesavan, col. 3, ll. 56-60.) After a "predetermined amount of wear has occurred on the abutting end surface 68 of the adapter 14" it is time to replace the tip 16. (*See*, Kesavan, col. 3,

ll. 66-67.) In other words, in Kesavan, absent any other surfaces to bear the longitudinal force, the full longitudinal force is borne by the adapter 14 on its abutting end 68 and ears 36. The collars as claimed by Applicants allows it to absorb impact forces more efficiently such that the life of the holder part (not the replacement part) can be extended, thus allowing a significant cost savings in terms of the cost of replacement parts, the labor associated with detaching and reattaching the replacement part, and the costs associated with having a piece of equipment out of commission while replacement parts are installed, to name a few. Kesavan even appears to contemplate frequent changes of its adapter 14 (not its bucket tip 16), as it describes a “visual indicator” which is useful for its indication of the need to replace its adapter 14.

8. Robinson is directed to a locking pin for captively retaining a tooth on an adapter portion of an excavating tooth and adapter assembly, and is relied upon to allegedly teach the locking mechanism as claimed by Applicants. (*See*, Office action, pg. 4.) Robinson, alone or in combination with the cited art, also fails to teach or suggest the Applicants’ invention as claimed, as amended above.

9. Therefore, because the cited references, alone or in combination with each other or other art of record, fails to describe each of the elements of Applicants’ invention as claimed, as amended above, Applicants respectfully request that the amended claims be reconsidered and that they be allowed.

Dependent claims

10. The dependent claims incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicants respectfully assert that the dependent claims are also allowable over the art of record.

Conclusion

11. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

12. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Any cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicants reserve the right to pursue such claims in a continuation or divisional application.

13. In the event that the Examiner believes that an interview would serve to advance the prosecution of this application, the undersigned is available at the number noted below.

14. Please charge any fees due with this response to our Deposit Account No. 22-0185, under Order No. 20459-00395-US1 from which the undersigned is authorized to draw.

Dated: April 1, 2009

Respectfully submitted,

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